

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF DECEMBER 20, 2007 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Terry Plauche, Chairman  
William DeMouy, Secretary  
Nicholas Holmes, III  
Mead Miller  
Victoria Rivizzigno  
Roosevelt Turner  
John Vallas  
James Watkins, III

**Members Absent**

Clinton Johnson

**Urban Development Staff Present**

Richard L. Olsen,  
Deputy Director of Planning  
Bert Hoffman,  
Planner I  
David Daughenbaugh,  
Urban Forestry Coordinator  
Tiffany Green,  
Secretary I

**Others Present**

John Lawyer,  
Assistant City Attorney  
Rosemary Sawyer,  
City Engineering  
Jennifer White,  
Traffic Engineering

Mr. Plauche stated the number of members present constituted a quorum and called the meeting to order, advising all attending of the policies and procedures pertaining to the Planning Commission.

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who does not participate in voting unless otherwise noted.

**HOLDOVERS:**

**Case #SUB2007-00219 (Subdivision)**

**Hopkinton Estates Subdivision**

West terminus of Redstone Drive South, extending to the East terminus of Roberts Lane  
East

Number of Lots / Acres: 523 Lots / 226.0± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Joel Coleman, Rester and Coleman Engineers Inc., spoke on behalf of the applicants, and made the following points:

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- A. the developers had revised their application requesting approval for 133 lots for a portion to be known as Phase 1;
- B. the proposed subdivision is in the sensitive Converse watershed, where the county's stormwater regulations and requirements regarding detention and release rates is held to a higher standard. In as much, an engineering firm specializing in ADEM stormwater permit registration and monitoring will be retained to monitor these sensitive issues;
- C. as the area has a good deal of wetlands, an independent wetlands specialist will be employed to delineate all wetlands and submit the same to the U.S. Corps of Engineers for verification prior to development;
- D. a study will be performed to identify any endangered, threatened, or otherwise protected species and to comply with any local, state, and federal regulations regarding their protection;
- E. to address traffic concerns, the developers have contracted a traffic engineer for a cursory look at the overall project, with a letter from that engineer previously having been submitted. The developers further volunteer to have a fully ITE compliant traffic impact study provided by a third party for the entire development before any subsequent future phases are applied for; and,
- F. if approved by the Commission today, construction plans for Phase 1, upon completion, will be submitted to the appropriate local, state, and federal agencies for approval.

Mr. Turner noted that a lot of the area neighbors had expressed concerns regarding the proposed project, and asked if they had been contacted to calm their concerns.

Pete Ferrari, Ferrari Capital Partners, 6A South Bancroft Street, Fairhope, spoke on his own behalf and that of his partners, saying they had met early on with area neighbors and presented them with the general architectural covenants regarding the subdivision's building materials, minimum landscaping designs, and minimum square footage, all of which support their intentions to build a quality subdivision.

The Chair asked if there were those who wished to speak in opposition to the matter.

The following people spoke against the proposed subdivision:

Dr. Rip Pfieffer, the Escatawpa River Society;  
Timothy Hale, 9265 Roberts Lane East;  
Peter Olivero, 2595 Firetower Road; and,  
Judy Hale, 9265 Roberts Lane East.

They offered the following points in opposition:

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- A. concern over actual adherence to best management practices as they relate to streams;
- B. concern over the damming of Hamilton Creek, which is a primary creek that feeds the Big Creek Lake Watershed and a desire to see the city adopt the county's regulations related to watershed protection;
- C. the use of wetlands as green space defeats the purpose of animated design to have green space where people would have smaller lots;
- D. desire for the Commission to abide by their regulations regarding stream side management when discussing the use of natural features and designing subdivisions to protect streams, with this being a case where it should definitely be done;
- E. desire for the Commission to consider making tree planting a recommendation regarding subdivisions, and specifically this proposed subdivision, as almost all of the acreage in it had been cut, since trees provide reduction in stormwater run-off, reduce heat island effects, and reduce the re-absorption of carbon dioxide;
- F. concern over the fact that flood zones are being evaluated using maps from 1998, which are not current and probably not accurate;
- G. concern over Southwest Utilities, a "mom and pop" wastewater treatment plant, being responsible for providing sewer to the area, as Southwest Utilities has a poor track record with ADEM for violating the "clean water" act, as their discharge has not consistently met ADEM regulations;
- H. a desire to see detention ponds maintained and re-certified every 5 years;
- I. concern over an increase in traffic on minor roadways and the adequacy of those roads as according to the staff report, as approximately 3000 trips a day will be generated at full build out of the proposed subdivision, with perhaps 750 trips a day at the completion of Phase 1;
- J. an increase of student population to schools already 20% over capacity;
- K. a significant amount of required technical information was not provided on the plat;
- L. the detention area appears to be centered along a 125 feet of Alabama Power Company right-of-way which may be wetlands, as well as the center line of a stream which drains over 1000 acres of land to the north of the subject property. This location for detention seems to present extreme challenges, with Alabama Power not typically allowing use of its transmission line right-of-ways in this manner, and if detention is placed as shown, wetlands and downstream water quality will be degraded;
- M. lots are arranged to take advantage of the location of streams and drain ways shown on the plat, however, the streams and drain ways are not consistent with the contours shown on the plat. If the

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- contours are correct, the actual drain ways will severely impact lots 25, 33, 34, 45, 46, 47, 73, and 110;
- N. easement for the drain ways are not shown on the plat and if the contours do not adequately define the topography, the regulations require that spot elevations be shown, which are not;
  - O. some lots are subject to severe cross slopes and building on cross slopes requires significant side yards to allow frequents to meet existing grading and the narrowest home one could imagine in this setting, with a single car driveway, would be difficult to construct and grade on lots 34, 42-46, 50 and 51, so only a minimum lot width of 60 feet should be allowed in hilly terrain;
  - P. single car driveways, short driveways, or driveways with steep grades result in extensive use of streets for parking, but the street gradings are not shown to demonstrate that street parking will not cause undue risk to the public;
  - Q. the serious problem of the inadequacy of the surrounding roads as evidenced by the fact that the proposed subdivision shows access to Redstone Drive South, which is a short street with 18 feet of asphalt, 200 feet radius curb, and no super elevation. It dead ends at Redstone Drive West, which has 18 feet of asphalt and no shoulder or guardrail in place. Redstone Drive West dead ends at Firetower Road. If you take a left on Firetower Road, you come to a railroad crossing with no gates, no lights, and no bells. Currently, 8 freight trains cross there daily, with volume expected to increase when Choctaw Point comes on line, increasing the potential for deadly rail accidents in the area;
  - R. it is believed that the series of roads that connect Jeremy Drive to Wards Lane will attract a very large volume of "cut thru" traffic, with Redstone Drive South and West being the most obviously and severely inadequate for any additional traffic as it only has 18 feet of asphalt and no shoulder in places, so it is requested that "cut thru" traffic be prevented by separating the development on the east and west sides of the Alabama Power right-of-way;
  - S. require the developers to put appropriate paint striping and speed limit signs on Jeremy Drive and Roberts Lane as well as widen the asphalt riding surface from 18 feet to match the proposed paved road within the community to an absolute minimum of 20 feet with two feet of shoulder on Redstone Drive South and West;
  - T. concerns regarding the November 21, 2007, letter from Volkert and Associates regarding traffic impact as it was originally based on 130 units for Phase 1, but still showed great concern with the amount of traffic expected to exit the subdivision to the east and south via Redstone Drive.

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Mr. Coleman offered the following in response:

- A. South Alabama Utilities would be installing the sewer, which would be taken approximately 1 mile away from the site, so it would not directly discharge anywhere near the project; and,
- B. all road grades, easements, detention, spot elevations, and/or lots possibly encumbered by wetlands, would all be turned in when the developers submit the engineering plans and those will then be reviewed by the city's Engineering Department to ensure they meet all requirements.

In deliberation, Mr. Miller expressed his concern with approving the proposed Phase 1 since the Commission had heard so much from the area neighbors regarding inadequacies regardless of its innovative qualities.

Mr. Davitt said that regardless of which side prevailed, the matter was going to generate a lot of emotion, but that despite of the inadequacies in the area, he was in favor of approving this phase with the understanding that any future development had to meet requirements with regards to a traffic study, as well as water, sewer, and other infrastructure being in place. In accordance with those statements, a motion was made by Mr. Davitt, with second by Mr. Vallas, to waive Section V.D.2. of the Subdivision Regulations, and approve the above referenced subdivision, subject to the staff's recommendations.

Mr. Holmes was concerned regarding the opposition's statements which included a great deal of technical information and the merit of the same.

Mr. Olsen recognized that there may have been some of the more technical requirements of the regulations that were not on the plat, but that would probably be applicable to 98% of the subdivision applications that came before the Commission.

Mr. Miller continued to express his concern over the Commission approving the development, saying he felt they should look at the whole project again, but this time with a reduced number of lots, thus eliminating the substandard lot sizes. He was concerned that 500 homes in the overall project, especially in an area with inadequate infrastructure was "overkill."

Mr. Holmes and Dr. Rivizzigno both agreed with Mr. Miller regarding the issue of substandard lots.

Hearing no further pertinent discussion, the Chair called for a show of hands vote.

The motion failed and, **the above referenced subdivision was denied due to a lack of sufficient affirmative votes to approve. Reasons expressed by Commission members for the lack of affirmative votes included the number of lots, reduced lot sizes (requiring a waiver of Section V.D.2 of the Subdivision Regulations), the inclusion of**

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**wetlands and power company right-of-way as common area to maintain the overall density, concerns over adequacy of access, and environmental issues – including the impact on the watershed and ultimately the drinking water supply.**

**Case #SUB2007-00242 (Subdivision)**

**Bristol Subdivision, First Addition and Addition**

3695 Hardeman Road

West side of Hardeman Road, 1000'+ South of Broughton Drive

Number of Lots / Acres: 1 Lot / 2.0+ Acres

Engineer / Surveyor: Polysurveying Engineering – Land Surveying  
County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to waive Section V.D.3. of the Subdivision Regulations and approve the above referenced subdivision, subject to the following conditions:

- 1) provision of a 75' setback (which includes the required minimum building setback of 25 feet) from the centerline of Hardeman Road;**
- 2) revision of the plat to label the remainder of the parent parcel as future development only, NOT Lot 2;**
- 3) labeling of the lot with its size in square feet, or the provision of a table on the plat with the same information;**
- 4) placement of a note on the final plat stating any lots developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 5) submission of a letter from a licensed engineer certifying compliance with the city's stormwater and flood control ordinances should be submitted to the Mobile County Engineering Department and the Planning Section of Urban Development prior to the issuance of permits.**

The motion carried unanimously.

**Case #ZON2007-02383 (Planned Unit Development)**

**Orchard Baptist Church Subdivision**

6960 Overlook Road

Southeast corner of Overlook Road and Howells Ferry Road

Planned Unit Development Approval to allow four buildings on a single building site  
Council District 7

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Vince LaCoste, Polysurveying of Mobile, spoke on behalf of the applicant, asking that the matter not be heldover but heard that day and cited the following reasons for his position:

- A. the applicant was agreeable to the addition of 9 parking spaces and the relocation of the power pole; and,
- B. with regards to all of the property owned by the Church in its vicinity being included in the Planned Unit Development, the applicant requested this be waived as unnecessary at this time.

Mr. Olsen advised the Commission of the following points, in rebuttal to Mr. LaCoste's statements:

- A. there is planned expansion on the property, specifically that of a parking lot;
- B. several months prior, the church had applied for a subdivision of the property to the west. That subdivision application split property but did not show all of the other property in the area owned by the church, which is required;
- C. while the subdivision referenced was approved, the staff was not aware at that time of the proposed parking expansion or the multiple buildings on the over-all church site, or how it was tied to the property across the street;
- D. the previous approval specifically limited the site on the south side to 3 curb cuts onto Overlook and required the removal of paving and asphalt to delineate those cuts and the revised plan that was submitted with this application did not reflect any of this;
- E. the previous approval required information regarding the parking spaces, as well as the request that the site across the street from the church, as it is owned by the church and is part of the overall development, be included on the plan; however, the buildings and parking appear to be in the right-of-way and no property lines are shown on the property to the north; and,
- F. in the case of a Planned Unit Development, which is site plan specific and internal circulation is a requirement for review, the staff simply did not have all of the information necessary, even though it had been requested on more than one occasion.

Everett Childress, pastor at Orchard Baptist Church, spoke on behalf of his church, saying that in 2006, the church had determined it had property it would not use, as well as wanting to do an additional site in West Mobile. This being the case, they determined to sell off the property they would not be using and use those proceeds to purchase property in West Mobile for expansion of their ministry. This process began in January of 2007, with the church coming before the Commission the first time on March 15, 2007. At this point, the process is almost at the one year mark and the pastor hoped the Commission could find a way to approve the matter and not continue to hold it over.

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Mr. Holmes asked how long the church would have to wait to come back before the Commission if the matter was denied.

Mr. Olsen advised it would be 6 months.

The pastor stated that they were currently under time constraints as the property they were interested in buying was now on the open market and the owner could not give the church assurances that it would be available in 6 months.

The Chair advised the pastor that the staff had certain things they needed by law and that a holdover would allow time for the engineer and staff to get together to resolve those issues.

Hearing no opposition or further discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to hold this plan over until the January 17, 2007, meeting to allow the applicant to revise the plan to include all properties associated with the church and used for church functions (parking, services, classrooms, etc), and illustrate revisions to parking facilities, and all other modifications and conditions as referenced in previous reports, letters of decision, and approvals (rezoning and subdivision).

The motion carried unanimously.

**EXTENSIONS:**

**Case #SUB2006-00239 (Subdivision)**

**Chesterfield Place Subdivision**

North side of Wulff Road South, 200'± West of Winston Drive West

Number of Lots / Acres: 41 Lots / 16.6± Acres

Engineer / Surveyor: Austin Engineering Co., Inc.

County

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the above referenced extension.

The motion carried unanimously.

**Case #SUB2006-00240 (Subdivision)**

**Southern Oaks Estates Subdivision, Unit 6**

Northwest corner of Wear Road (paved) and Wear Road (unpaved)

Number of Lots / Acres: 29 Lots / 14.3± Acres

Engineer / Surveyor: Austin Engineering Co., Inc.

County

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the above referenced extension.



The motion carried unanimously.

**Case #ZON2006-01509 (Planned Unit Development)**

**West Hill Subdivision**

West terminus of Hilltop Drive South

Planned Unit Development Approval to allow reduced lot widths and sizes, and reduced building setbacks in a single-family residential subdivision.

Council District 7

Hearing no opposition or discussion, a motion was made by Mr. Plauche, with second by Mr. Vallas, to approve the above referenced extension.

The motion carried unanimously.

**NEW SUBDIVISION APPLICATIONS:**

**Case #SUB2007-00303**

**Marston Place Subdivision**

65 Clarise Circle

Northeast corner of Clarise Circle and Elizabeth Lane

Number of Lots / Acres: 1 Lot / 0.6± Acre

Engineer / Surveyor: McCrory and Williams

Council District 5

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to approve the above reference subdivision with a modification to a 30' building setback line, subject to the following conditions:

- 1) **revision of the plat to provide a minimum of 25' from the centerline of Elizabeth Lane, if required;**
- 2) **placement of a note on the final plat stating that the site is limited to two curb cuts, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 3) **labeling of the lot with its size in square feet, or the provision of a table on the plat furnishing the same information;**
- 4) **placement of a note on the plat/site plan stating that approval of all applicable Federal, state, and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 5) **depiction of a 30' minimum building setback line along all**

- street frontages; and,
- 6) **subject to the Engineering Comments (*Drainage easement width and location to be approved by City Engineering before final signature on plat. All stormwater should tie subsurface to a City of Mobile storm drainage system. If the cumulative impervious area constructed since 1984 is equal to or greater than 4000 square feet, stormwater detention is required. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit*).**

The motion carried unanimously.

**Case #SUB2007-00302**

**Haiman Beltline Subdivision, Re-subdivision of Lot 2, Re-subdivision of Lot 2**

Southeast corner of Springhill Memorial Drive South and Springhill Memorial Place

Number of Lots / Acres: 2 Lots / 4.4± Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

Council District 5

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **compliance with Engineering comments (*It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all stormwater and flood control ordinances. Any work performed in the right-of-way will require a right-of-way permit*);**
- 2) **placement of a note on the plat stating that Lot 1 is limited to two (2) curb-cuts onto Springhill Memorial Drive and one (1)**

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- curb-cut onto Springhill Memorial Place, that Lot 2 is limited to one (1) curb-cut onto Springhill Memorial Place, and that the size, design and location of all curb-cuts are to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
  - 4) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
  - 5) the labeling of the lots with their size in square feet (in addition to the size in acres).

The motion carried unanimously.

**Case #SUB2007-00305**

**Holley Branch Subdivision, Re-subdivision of Lots 29, 30, and 31**

Northwest corner of Creek Court and Winterberry Street

Number of Lots / Acres: 2 Lots / 1.2+ Acres

Engineer / Surveyor: Polysurveying Engineers – Land Surveying  
County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Vallas, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) placement of a note stating that each lot is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) provision of a sufficient radius on the corner of Creek Court and Winterberry Street, compliant with Section V.B.16. of the Subdivision Regulations;
- 3) the applicant obtain any necessary federal, state, and local environmental approvals;
- 4) placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,
- 5) submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood

**control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permits.**

The motion carried unanimously.

**Case #SUB2007-00306**

**Holley Branch Subdivision, Re-subdivision of Lots 27 and 28**

West terminus of Creek Court.

Number of Lots / Acres: 2 Lots / 0.8± Acre

Engineer / Surveyor: Polysurveying Engineers – Land Surveying County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) **placement of a note stating that Lot 27-A is limited to two curb cuts to Creek Court, and Lot 28-A is limited to one curb cut to Creek Court, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **the applicant obtain any necessary federal, state, and local environmental approvals;**
- 3) **placement of a note on the final plat stating that any lots developed commercially and adjoin residentially developed property shall provide a buffer in compliance with Section V.A.7. of the Subdivision Regulations; and,**
- 4) **submission of a letter from a licensed engineer certifying compliance with the City of Mobile's stormwater and flood control ordinances to the Mobile County Engineering department and the Planning Section of Mobile Urban Development prior to issuance of any permit.**

The motion carried unanimously.

**Case #SUB2007-00301**

**Riverwood Estates Subdivision, Phase Three, Re-subdivision of Lot A**

Southeast corner of Riverwood Circle South and Kaylens Way

Number of Lots / Acres: 4 Lots / 1.6± Acres

Engineer / Surveyor: Austin Engineering Co., Inc.  
County

The Chair stated the applicant was agreeable with the recommendations and asked if

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anyone wished to speak on the matter to do so at that time

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to approve the above referenced re-subdivision, subject to the following conditions:

- 1) placement of a note on the final plat stating that each lot is limited to one curb-cut each, with the size, design and location to be approved by Mobile County Engineering;**
- 2) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;**
- 3) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 4) labeling of all common areas, and placement of a note on the plat stating that all common areas and easements are to be maintained by the property owners' association for the development;**
- 5) placement of a note on the plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7. of the Subdivision Regulations;**
- 6) placement of a note on the plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,**
- 7) labeling of all lots with their size in square feet.**

The motion carried unanimously.

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Case #SUB2007-00307

**Taylor Pointe Subdivision, Unit One**

9650 Jeff Hamilton Road

North side of Jeff Hamilton Road, ¼ mile± North of Repoll Road

Number of Lots / Acres: 47 Lots / 19.4+ Acres

Engineer / Surveyor: Rester and Coleman Engineers, Inc.

County

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to approve the above referenced subdivision, subject to the following conditions:

- 1) **the provision of one traffic circle on Taylor Pointe Boulevard midpoint between Taylor Pointe Court and Triton Court, size, location, and design be approved by County Engineering;**
- 2) **the placement of a note on the Final Plat stating that Lot 47 is denied direct access to Jeff Hamilton Road;**
- 3) **the placement of a note on the Final Plat stating that lots 12, 13, 16, 23, 24, 31, 33, and 41 are corner lots and are limited to one curb cut each, with the size, design and location to be approved by County Engineering;**
- 4) **the labeling of all common areas and the placement of a note on the final plat stating that maintenance of common areas will be property owners' responsibility;**
- 5) **the placement of a note on the final plat stating that any lots that are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;**
- 6) **the placement of a note on the final plat stating that the development will be designed to comply with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances, and requiring submission of a letter from a licensed engineer certifying that the design complies with the stormwater detention and drainage facility requirements of the City of Mobile stormwater and flood control ordinances prior to the signing of the final plat. Certification is to be submitted to the Planning Section of Urban Development and County Engineering; and,**
- 7) **certification via placement of a note on the plat stating that the property owner/developer will comply with all local, state and federal regulations regarding endangered, threatened or otherwise protected flora and fauna.**

The motion carried unanimously.

**NEW SIDEWALK WAIVER APPLICATIONS:**

**Case #ZON2007-02734**

**David Hickman**

1360 Conception Street Road

North side of Conception Street Road at Three Mile Creek

Request to waive construction of a sidewalk along Conception Street Road.  
Council District 2

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Gary Coles spoke as engineer for the applicant making a couple of comments regarding the recommended holdover, saying they would be able to get the requested information regarding distances from property lines and power poles to the staff. He also added there were no sidewalks within 1700 feet of the property, and the bridge to the north of the property was not set up for pedestrian traffic.

Mr. Olsen advised the Commission that the shredder was one that had previously been granted due to required Planning Approval and PUD Approval. Part of that approval, he added, was full compliance with all municipal codes and ordinances, with sidewalks being one of these.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Plauche, with second by Dr. Rivizzigno, that this sidewalk waiver request be heldover to the meeting of January 17, 2008, to allow the applicant time to provide a more-detailed cross section addressing existing slope, distance from edge of pavement to power poles, and distance from power poles to property line.

The motion carried unanimously.

**Case #ZON2007-02778**

**Auto Chlor / Orin Parker**

1609 Industrial Park Circle

North side of Industrial Park Circle at its North terminus

Request to waive construction of a sidewalk along Industrial Park Circle.  
Council District 4

The Chair stated the applicant was agreeable with the recommendations and asked if anyone wished to speak on the matter to do so at that time

Hearing no opposition or discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to approve the above referenced sidewalk waiver.

The motion carried unanimously.

**GROUP APPLICATIONS:**

**Case #SUB2007-00300 (Subdivision)**

**Davenport Properties Subdivision, Unit Two**

414 Cochrane Causeway

East side of Cochrane Causeway, ½ mile± North of Bankhead Tunnel

Number of Lots / Acres: 1 Lot / 5.6± Acres

Engineer / Surveyor: Cowles, Murphy, Glover & Associates

Council District 2

(Also see **Case #ZON2007-02743 (Sidewalk Waiver) C & G Boatworks**, and **Case #ZON2007-02742 (Rezoning) Mickey Cook**, below)

Gary Coles spoke as engineer for the applicant, saying they were in agreement with all of the recommendations with the exception of the 25-foot minimum building setback, and stated the following reasons as to why:

- A. they are creating a pedestrian crosswalk connecting the parking area on the east side of the road to the main property;
- B. all necessary permit requests have been submitted to ALDOT; and,
- C. the foundation of the overpass should not be considered a building, so it should not require the necessary setback.

Mr. Olsen advised the Commission both the subdivision regulations, as well as the zoning ordinance required a 25-foot setback, however, as it is not a habitable or occupy-able structure, the Commission could choose to waive that requirement.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above reference subdivision, subject to the following conditions:

- 1) **placement of a note on the final plat stating that the development be limited to two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **depiction of the 25-foot minimum building setback line from all street frontages (including Interstate 10), as required by Section V.D.9. of the Subdivision Regulations, and the placement of a note on the final plat stating “Exception to 25’ required setback for pedestrian crosswalk. Setback for Pedestrian crosswalk to be approved by ALDOT”;**
- 3) **the labeling of the lot with its size in square feet, or placement of a table on the plat with the same information; and,**
- 4) **full compliance with all other municipal codes and ordinances.**



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The motion carried unanimously.

**Case #ZON2007-02743 (Sidewalk Waiver)**

**C & G Boatworks**

414 Cochrane Causeway

(East side of Cochrane Causeway, ½ mile± North of Bankhead Tunnel).

Request to waive construction of a sidewalk along Cochrane Causeway.  
Council District 2

(Also see **Case #SUB2007-00300 (Subdivision) Davenport Properties Subdivision, Unit Two**, above, and, **Case #ZON2007-02742 (Rezoning) Mickey Cook**, below)

(See **Case #SUB2007-00300 (Subdivision) Davenport Properties Subdivision, Unit Two** above, for discussion)

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above reference sidewalk waiver.

The motion carried unanimously.

**Case #ZON2007-02742 (Rezoning)**

**Mickey Cook**

414 Cochrane Causeway

East side of Cochrane Causeway, ½ mile± North of Bankhead Tunnel

Rezoning from R-1, Single-Family Residential District, to I-2, Heavy Industry District, to allow an industrial parking lot

Council District 2

(Also see **Case #SUB2007-00300 (Subdivision) Davenport Properties Subdivision, Unit Two**, and, **Case #ZON2007-02743 (Sidewalk Waiver) C & G Boatworks**, above)

(See **Case #SUB2007-00300 (Subdivision) Davenport Properties Subdivision, Unit Two** above, for discussion)

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Davitt, with second by Dr. Rivizzigno, to approve the above reference rezoning request, subject to the following conditions:

- 1) **completion of the subdivision process; and,**
- 2) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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**Case #SUB2007-00304 (Subdivision)**

**Perch Creek Preserve Subdivision**

North side of Winston Road, 1100'± West of Dauphin Island Parkway, extending West and South to Perch Creek

Number of Lots / Acres: 116 Lots / 85.1± Acres

Engineer / Surveyor: Engineering Development Services, LLC

Council District 4

(Also see **Case #ZON2007-02787 (Planned Unit Development) Perch Creek Preserve Subdivision**, below)

The Chair announced the matter was recommended for holdover, but if there were those present who wished to speak to please do so at that time.

Tom Hutchings, P.O. Box 361, Montrose, AL, spoke on his own behalf as the developer. As an environmental consultant and biologist, he said this was his attempt to build a sustainable development using the principals of "smart growth." He added this has not been as easy as it sounded because of obstacles in place due to old codes and procedures. He then posed two questions as follows:

- A. the city Traffic Engineering representative told him there was a 150 lot threshold to be met before a traffic study would be required, yet the staff report calls for a traffic study;
- B. the staff report calls for a flood study. His understanding of a flood study is to prevent building in flood ways, which he is not. He had contacted an engineer who advised him that all it will involve is drawing the flood way on a map. As the development is not in the flood way, he wondered at the study's purpose.

Mr. Vallas asked Mr. Hutchings if the common areas and parks shown on the plat were wetlands.

Mr. Hutchings said they all were. He added the continuous walking trails that went around the waterfront were all set back 30 feet from any wetlands, and that all of the houses face the salt marsh.

Mr. Olsen commented on the staff's recommendations regarding the studies, stating the following:

- A. the 150 lot threshold as discussed by Traffic Engineering is not a definitive number and that some members of the Planning Commission had commented previously that they felt the number was too high, however, if Traffic Engineering would supply the staff with a letter indicating they felt no need for a traffic study in this case, it would be fine;
- B. Ms. Sawyer with the city's Engineering Department and a couple of the members of the Urban Development staff had recently

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attended a FEMA class in New Orleans, LA. At that class, they were informed that FEMA was now requiring that all subdivisions and developments of 5 acres or more, or those containing 50 lots or more, required a flood study, however, if Ms. Sawyer or FEMA would supply the staff with a letter stating they saw no need for a flood study in this case, that would be fine. He did add that for the city to continue to be eligible for FEMA flood insurance, all developments must adhere to FEMA flood requirements. He also noted that the development was in an AE flood zone and developments with 50 lots or more in an AE flood zone were also required to have flood studies.

Hearing no further comments in favor, the Chair opened discussion from those in opposition and the following people spoke:

Chandler Stanard, attorney for a neighboring property owner;  
David Young, a neighbor on Tulsa Street;  
Louis Seymour, 4200 Perch Boulevard, Perch Creek Estates; and,  
John Seeling, 1935 & 1933 ½ Staples Road.

They gave the following points in opposition:

- A. based upon the dimensions given, the neighbors would be looking at a row of houses with roof lines 2 to 4 feet apart lined up along the side of the creek;
- B. any lighting put in the planned cul-de-sac at the end of the proposed road would create light shining straight across into the homes across from the proposed subdivision;
- C. the desire to leave the existing tree line uncut that separated the marshes from the uplands in addition to acknowledging that those trees act as a shield for the houses across the creek;
- D. the area floods a great deal, with water backing up in Perch Point when there is a high spring tide, bringing water all the way to the houses on Tulsa and Marydale, and, some of the stormwater drainage ditches in the area are broken, thereby not functioning effectively and increasing flooding issues in the area. To add more stormwater to these already overworked ditches would make the problems worse;
- E. silting has become a problem in the area due to the broken drainage system, causing Perch Creek to require dredging, which was paid for initially by the original property owners of Perch Creek Estates and now the waterfront property owners have concerns regarding the ability to navigate those waters due to these increased silt deposits;
- F. the area is home to much wild flora and fauna, such as panthers, osprey, foxes, and alligators and it is wondered where those would

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- live once their natural habitats were taken for development;
- G. the proposed traffic loop is situated in an area known to flood by the creek. In case of an emergency, people would be trapped by those flood waters; and,
- H. concerns that a marina with boat slips will be put in the area.

David Deihl, Engineering Development Services, Inc., offered a response to some of these concerns for the developer, by saying the following:

- A. they have had the wetlands delineated and have backed off of those wetlands, leaving anywhere from 20 to 80 feet in places as upland buffer;
- B. only about 32% of the site will be developed with lots and roads, with 68% left as open space, which is approximately 20 acres of good, useable, upland property set aside as permanent open space;
- C. neighbors to the west will enjoy anywhere from 170 feet to 200 feet of buffer between the backs of their lots and the backs of the proposed development lots;
- D. by working with an area neighbor who has kept area flood level information for the different storms, they have used his highest water elevation record as their minimum finished floor elevation; and,
- E. the use of permeable road surfaces is part of their desire to do a low impact subdivision because it allows them to eliminate approximately 3 acres of impermeable surfaces that would be in place if they did a standard asphalt street with curb and gutter.

Hearing no further opposition or pertinent discussion, a motion was made by Mr. Miller, with second by Mr. Vallas, to hold this application over until the January 17, 2008, meeting, with all additional information and revised drawings to be submitted by December 27, 2007, to allow the applicant to:

- 1) submit a Flood Study;**
- 2) submit a Traffic Impact Study;**
- 3) revise the plan to comply with the International Fire Code (specifically, but not limited to, Section 503);**
- 4) revise the plat to illustrate locations of one-way and two-way surfacing, and areas of asphalt paving or pavers;**
- 5) submit justification for aggregate surfacing in lieu of paved surfacing as required by the Subdivision Regulations;**
- 6) revise the plan to illustrate areas of clearing and/or improvements within the park areas illustrated in the private street rights-of-ways;**
- 7) provide information regarding the areas denoted as "Park", explaining the difference between "Park" and "Common Area", and if the "parks" are to be private or dedicated parks;**

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- 8) provide verification of the adequacy of the culvert/structure on Winston Road to accommodate fire apparatus and the increased traffic generated by the development;
- 9) placement of a note on the plat stating that the approval of all applicable federal, state and local agencies shall be provided prior to the issuance of any permits or land disturbance activities;
- 10) placement of a note on the plat / site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 11) revision of the plat to reflect minimum finished floor elevation and square footage for each lot.

The motion carried unanimously.

**Case #ZON2007-02787 (Planned Unit Development)**

**Perch Creek Preserve Subdivision**

North side of Winston Road, 1100'± West of Dauphin Island Parkway, extending West and South to Perch Creek.

Planned Unit Development Approval to allow a gated, 18'-wide, aggregate- surfaced private street single-family residential subdivision with reduced lot widths and sizes, reduced front and side setbacks, and increased site coverage of 50%.  
Council District 4

(Also see **Case #SUB2007-00304 (Subdivision) Perch Creek Preserve Subdivision**, above)

(See **Case #SUB2007-00304 (Subdivision) Perch Creek Preserve Subdivision**, above, for discussion)

Hearing no further opposition or pertinent discussion, a motion was made by Mr. Miller, with second by Mr. Vallas to hold this application over until the January 17, 2008, meeting, with all additional information and revised drawings to be submitted by December 27, 2007, to allow the applicant to:

- 1) submit a Flood Study;
- 2) submit a Traffic Impact Study;
- 3) revise the plan to comply with the International Fire Code (specifically, but not limited to, Section 503);
- 4) revise the plat to illustrate locations of one-way and two-way surfacing, and areas of asphalt paving or pavers;
- 5) submit justification for aggregate surfacing in lieu of paved surfacing as required by the Subdivision Regulations;
- 6) revise the plan to illustrate areas of clearing and/or improvements within the park areas illustrated in the private street rights-of-ways;

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- 7) provide information regarding the areas denoted as “Park”, explaining the difference between “Park” and “Common Area”, and if the “parks” are to be private or dedicated parks;
- 8) provide verification of the adequacy of the culvert/structure on Winston Road to accommodate fire apparatus and the increased traffic generated by the development;
- 9) placement of a note on the plat stating that the approval of all applicable federal, state and local agencies shall be provided prior to the issuance of any permits or land disturbance activities;
- 10) placement of a note on the plat / site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and,
- 11) revision of the plat to reflect minimum finished floor elevation and square footage for each lot.

The motion carried unanimously.

**OTHER BUSINESS:**

Mr. Olsen reminded the Commission members to take the hand outs regarding the proposed amendments that will be part of the “Call for a Public Hearing” on the next agenda.

Hearing no further business, the meeting was adjourned.

**APPROVED:** April 16, 2009

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William G. DeMouy, Jr., Secretary

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Terry Plauche, Chairman.

jsl